

**UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF INDIANA  
NEW ALBANY DIVISION**

IN RE:	)	
	)	
<b>EASTERN LIVESTOCK CO., LLC</b>	)	<b>CASE NO. 10-93904-BHL-11</b>
	)	
Debtor	)	<b>Chapter 11</b>
	)	
	)	

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**MOTION TO CONTINUE HEARING**

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Superior Livestock Auction, Inc. (“Superior”), by and through the undersigned counsel, hereby files this Motion to Continue Hearing on the Disclosure Statement (the “Motion”), respectfully requesting that the Court enter an Order continuing the currently scheduled September 4, 2012 hearing on the Disclosure Statement (the “Hearing”). In support of the Motion, Superior respectfully states as follows:

1. On July 23, 2012, James Knauer, the Chapter 11 Trustee appointed in the above-captioned bankruptcy case (the “Trustee”), filed Trustee’s Chapter 11 Plan of Liquidation [Doc. No. 1255] (the “Plan”) and Disclosure Statement for Trustee’s Chapter 11 Plan of Liquidation [Doc. No. 1256] (the “Disclosure Statement”).

2. On July 26, 2012, the Court issued an Order and Notice for Hearing on Disclosure Statement [Doc. No. 1261] (the “Hearing Order”), scheduling the Hearing for September 4, 2012 at 10:00 AM EDT, with objections due on August 30, 2012.

3. Superior respectfully requests that the Hearing be continued to a later date to allow Superior and other creditors sufficient time to evaluate the Plan and Disclosure Statement

and to file any responses thereto. Moreover, John Ames, Superior's lead attorney, will not be able to participate in the Hearing if it is held on September 4, 2012.

4. In light of the impact of the resolution of several matters of major significance scheduled to be heard at the next omnibus hearing on August 20, 2012, including the Report of the Trustee [Doc. No. 1188] and objections thereto, Motion to Remove Trustee [Doc. No. 1243] and Reinstated Objection to Application to Employ Baker & Daniels, LLP [Doc. No. 1244], Superior and other creditors will need more than ten days following the omnibus hearing to analyze the Plan and Disclosure Statement and respond accordingly.

5. In addition, the Plan and Disclosure Statement, as currently filed, are missing key exhibits. As exhibits A and B to the Plan, which are incorporated into the Plan, have not been filed in the record by the Trustee, Superior and other creditors do not have the necessary information to analyze and respond to the Plan and Disclosure Statement. Scheduling the Hearing for September 4, 2012, unjustly impairs Superior's and other creditors' rights to make informed decisions about documents that can essentially decide their rights in the bankruptcy case.

6. Further, discovery in this case is ongoing, with depositions of the Trustee and his special counsel scheduled for July 27, 2012 and August 3, 2012, respectively. Any information uncovered at these depositions, as well as through continuing discovery, directly impacts Superior's and other creditors' position with respect to the Plan and Disclosure Statement. Scheduling the Hearing so soon after the omnibus hearing and the depositions simply does not give Superior and other creditors enough time to perform their due diligence with respect to the Plan and Disclosure Statement.

7. Superior and other creditors deserve to be afforded the opportunity to adequately examine the Plan and Disclosure Statement, to request any additional discovery from the Trustee and his counsel relating to the Plan and Disclosure Statement, and to file any response to the Plan and Disclosure Statement.

WHEREFORE, Superior respectfully requests that this Motion to Continue Hearing be granted and that the Court enter the tendered Order submitted herewith.

Respectfully submitted,

/s/ John W. Ames

John W. Ames

C.R. Bowles, Jr.

Ivana B. Shallcross

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INC.

### **CERTIFICATE OF SERVICE**

I hereby certify that on July 27, 2012, a copy of the foregoing was filed electronically. Notice of this filing will be sent to all parties through the Court's Electronic Case Filing System. Parties may access this filing through the Court's system.

/s/ John Ames

COUNSEL FOR SUPERIOR LIVESTOCK  
AUCTION, INC.